

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 24-cr-225 (NEB/TNL)

Plaintiff,

v.

ORDER

Eric Phillip Allen,

Defendant.

This matter comes before the Court on Defendant Eric Phillip Allen's Third Motion for Continuance of Pretrial Motion Filing Deadline, ECF No. 27. Defendant also filed a Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act, ECF No. 28.

Defendant requests that the motions filing date and the motion hearing date be continued by 45 days. ECF No. 27 at 1. Defendant states that he needs additional to review a plea agreement and to decide how to proceed in this matter which is also dependent on a psychological evaluation of Defendant by a forensic psychologist. *Id.* at 1-2. The Government has no objection to the requested extension. *Id.* at 2. Defendant also seeks an exclusion under the Speedy Trial Act. *Id.*; ECF No. 28.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide the parties and their respective counsel

reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Third Motion for Continuance of Pretrial Motion Filing Deadline, ECF No. 27, is **GRANTED**.

2. The period of time from **the date of this Order through January 9, 2025**, shall be excluded from Speedy Trial Act computations in this case.

3. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **January 9, 2025**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses must be delivered directly to the chambers of Magistrate Judge Leung.

4. **Counsel must electronically file a letter on or before January 9, 2025 if no motions will be filed and there is no need for hearing.**

5. All responses to motions must be filed by **January 23, 2025**. *See* D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to Call Witnesses must be filed by **January 23, 2025**. *See* D. Minn. LR. 12.1(c)(3)(A).

7. Any Responsive Notice of Intent to Call Witnesses must be filed by **January 29, 2025**. *See* D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

9. If required, the motions hearing must be heard before Magistrate Judge Tony N. Leung on **February 3, 2025, at 10:00 a.m.**, in Courtroom 9W, Diana E. Murphy United States Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota. *See* D. Minn. LR 12.1(d).

10. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:**

This case must commence trial on **February 3, 2025 at 9:00 a.m.** before District Judge Brasel in **Courtroom 13W**, Diana E. Murphy United States Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Brasel to confirm the new trial date.**

Dated: November 25, 2024

s/Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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